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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,432	01/27/2004	Mark Rapaich	P1974US01	1517
24333	7590	01/12/2005	EXAMINER	
GATEWAY, INC.			DUONG, THO V	
ATTN: SCOTT CHARLES RICHARDSON			ART UNIT	PAPER NUMBER
610 GATEWAY DRIVE			3743	
MAIL DROP Y-04				
N. SIOUX CITY, SD 57049				
DATE MAILED: 01/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/765,432	RAPAICH, MARK
	Examiner	Art Unit
	Tho v Duong	3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 January 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-6,9,10 and 13 is/are rejected.

7) Claim(s) 2,3,7,8,11 and 12 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/27/2004.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Claim Objections

Claims 1-13 are objected to because of the following informalities: in claim 1, at line 8 of the page, a comma is needed between “the fluid reservoir” and “the first fluid circuit”. In claim 6, at line 10, a comma is needed between “the fluid reservoir” and “the second fluid circuit”. In claim 10, at line 4, a comma is needed between “the fluid reservoir” and “the first fluid circuit”. These are run on errors. Regarding claim 10, at line 7, “a cooling station” appears to be a typographical error of “the cooling station” since “a cooling station” is already mentioned at line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6,9-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Koizumi et al. (US 5,323,847). Koizumi discloses (figures 1 and 4) a system comprising a cooling station (40) having a fluid reservoir (42,41) containing water serving as a coolant for cooling, a circulating pump (43) fluidly coupled to the fluid reservoir, a first fluid circuit (44) fluidly coupled to the circulating pump and the fluid reservoir, the first fluid circuit including at least two first couplers (shown in figure 4); and a portable computer (30) having a second fluid circuit (32-36) with at least two second couplers (shown in figure 4) coupling to the at least two first couplers associated with the cooling station; wherein the first and the second fluid circuits

are coupled together when the portable computer (30) and the cooling station (40) are connected, and wherein the fluid is capable of being circulated in the first and second fluid circuits with the circulating pump upon detecting connecting between the portable computer and the cooling station. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. It is clearly shown that the fluid is circulated through the first and second fluid circuits if there is a connection between the cooling station (40) and the portable computer (30). Koizumi further discloses (figure 1) that the system further comprises at least one convection vent (53) and the fluid reservoir (41,42) includes cooling fins shown near (41).

Allowable Subject Matter

Claims 2-3,7-8 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mizuno et al. (US 4,729,424) discloses a cooling system for electronic equipment.

M. D. Roush et al. (US 3,334,684) discloses a cooling system for data processing equipment.

Cheon (US 2004/0008483A1) discloses a water cooling type cooling system for electronic device.

Wilson et al. (US 4,072,188) discloses a fluid cooling system for electronic system.

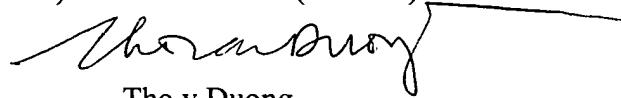
Parmerlee et al. (US 4,315,300) discloses a cooling arrangement for plug-in module assembly.

Moore et al. (US 6,084,769) discloses a docking station with auxiliary heat dissipation system for a portable computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F (first Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennet can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho v Duong
Examiner
Art Unit 3743


TD
January 6, 2005